

EDDIE R. JIMENEZ (SBN 10376)  
ejimenez@aldridgepite.com  
**ALDRIDGE PITE, LLP**  
7220 South Cimarron Road, Suite 140  
Las Vegas, NV 89113  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385

**Mailing Address:**  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, California 92177-0933

Attorneys for Shellpoint Mortgage Servicing

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

SCHULTE PROPERTIES LLC,  
  
Debtor.

Case No. 18-12734-mkn

Chapter 11

**SUPPLEMENTAL DECLARATION OF  
GREG CAMPBELL IN SUPPORT OF  
SHELLPOINT MORTGAGE  
SERVICING'S MOTION FOR  
PROTECTIVE ORDER OR, IN THE  
ALTERNATIVE, MOTION FOR  
MODIFICATION OF SUBPOENA [DKT  
NO. 862]**

I, Greg Campbell declare:

1. I am over the age of 18 and am employed as an Attorney by Aldridge Pite, LLP ("Aldridge Pite"), under the supervision of designated counsel, Eddie Jimenez, attorneys for Shellpoint Mortgage Servicing ("Shellpoint") in this proceeding. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, could and would competently testify thereto.

2 As part of my job responsibilities for Aldridge Pite, I have personal knowledge of and am familiar with the records maintained by Aldridge Pite in connection with this matter and the procedures for creating those types of records. I have access to and have reviewed the books, records, and files of Aldridge Pite that pertain to this matter.

1           3.       The information in this declaration is taken from Aldridge Pite's business records  
2 regarding this case. The records are: (a) made at or near the time of the occurrence of the matters  
3 recorded by persons with personal knowledge of the information in the business record, or from  
4 information transmitted by persons with personal knowledge; and (b) kept in the course of  
5 Aldridge Pite's regularly conducted business activities. It is the regular practice of Aldridge Pite  
6 to create and maintain such records.

7           4.       Pursuant to Aldridge Pite's records, the Debtor served multiple *Requests for*  
8 *Production of Documents* ("Discovery Requests") on Shellpoint.

9           5.       Aldridge Pite responded to the Discovery Requests on Shellpoint's behalf for the  
10 Subject Loans with hundreds of pages of documents ("Discovery Responses"). Specifically,  
11 Aldridge Pite provided Debtor with copies of the loan documents, filed claims, filed pleadings,  
12 payment histories, monthly statements, escrow statements (if any), and communications with the  
13 borrower. However, Aldridge Pite objected to several requests as irrelevant, burdensome,  
14 overbroad, vague, proprietary, confidential, or subject to privilege.

15           6.       Debtor failed to meet and confer with Aldridge Pite regarding the Discovery  
16 Responses, file a motion to compel seeking additional production, or request a ruling on  
17 Shellpoint's objections to the Discovery Requests. In the meantime, the discovery period expired.

18           7.       Following issuance of an Amended Scheduled Order, on February 18, 2021,  
19 Aldridge Pite submitted a copy of its revised accounting spreadsheet to the Debtor ("Shellpoint  
20 Accounting"). Notably, Shellpoint's Accounting reflected all payments received and applied since  
21 acquisition of each Subject Loan. Accordingly, the Debtor is already in possession of a detailed  
22 accounting for each Subject Loan.

23           8.       On or about May 28, 2021, the Debtor filed a *Notice of Issuance of Subpoena*  
24 *Duces Tecum* ("Subpoena") requesting production of documents from twenty-seven (27) loan  
25 servicers/creditors, including Shellpoint, related to the Debtor's dozens of real properties. The  
26 Debtor now seeks blanket, identical, production of all documents at outlined in the Motion. (*See*  
27 *Subpoena*, Exhibits 34-43).

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1           9.       Following the issuance of the Subpoena, Aldridge Pite sent a Meet & Confer Letter  
2 to the Debtor's counsel seeking to resolve the Subpoena, and seeking clarification of any  
3 discoverable documents the Debtor believed Shellpoint failed to produce. Debtor's counsel failed  
4 to respond.

5           10.      On June 11, 2021, Aldridge Pite filed a *Motion for Protective Order or, in the*  
6 *Alternative, Motion for Modification of Subpoena* ("Motion"). (Dkt No. 862). In the Motion  
7 Shellpoint asserted:

- 8       • The Parties already engaged in extensive discovery, including production of documents,  
9 following the hearing on approval of the Disclosure Statement in 2019. Specifically,  
10 Shellpoint responded to Requests for Production of Documents, and provided Debtor with  
11 hundreds of pages of documents at great time and expense. The Debtor now seeks  
12 production of the **same documents**. As a result, Shellpoint asserted the documents Debtor  
13 requested were either: (i) already produced by Shellpoint; (ii) equally available to the  
14 Debtor; or (iii) objectionable as outlined in Shellpoint's Responses to the original  
15 production requests.
- 16       • To the extent Debtor was dissatisfied with Shellpoint's Responses to the production  
17 requests, Debtor failed to meet and confer regarding the Responses, file a motion to compel  
18 seeking additional production, or request a ruling on Shellpoint's objections to the  
19 discovery requests. In the meantime, the discovery period expired.

20           11.      On June 16, 2021, Aldridge Pite sent a **second follow up** letter to the Debtor's  
21 counsel seeking to resolve the Subpoena, and seeking clarification of any discoverable documents  
22 the Debtor believed Shellpoint failed to produce. Further, Aldridge Pite requested the withdrawal  
23 of the Subpoena.

24           12.      On or about June 30, 2021, Debtor filed a *Limited Opposition to Motion for*  
25 *Protective Order* ("Opposition"). (Dkt No. 870). In the Opposition, Debtor alleged: (i) Debtor is  
26 not requesting documents already produced in this matter; (ii) Debtor is only requesting  
27 documents, which have yet to be provided or are not accessible by the Debtor; and (iii) Debtor is  
28 requesting documents to have a complete loan file to facilitate the filing of claim objections.

1           13.     On July 1, 2021, Aldridge Pite sent a **third follow up** letter to the Debtor's counsel  
2 seeking to resolve the Subpoena, and seeking clarification of any discoverable documents the  
3 Debtor believed Shellpoint failed to produce. Further, Aldridge Pite requested the withdrawal of  
4 the Subpoena. To date, Debtor has yet to provide Aldridge Pite with a substantive response. Nor  
5 has the Debtor withdrawn the Subpoena.

6           14.     On July 13, 2021, Aldridge Pite filed a *Reply to Debtor's Limited Opposition to*  
7 *Motion for Protective Order* ("Reply"). (Dkt No. 878). In the Reply, Shellpoint asserted the  
8 requested documents were already produced, equally available to the Debtor, or not in  
9 Shellpoint's possession.

10          15.     On July 28, 2021, the Court held an initial hearing on the Motion for Protective  
11 Order. At the hearing, Debtor requested a continuance to review the documents produced by  
12 Shellpoint.

13          16.     On July 28, 2021, Aldridge Pite received a response from the Debtor stating: "We  
14 have a reinstatement and payoff for each property. We also have a spreadsheet that provided a  
15 transaction history from 2016 forward on the Discovery Creek property. We have nothing  
16 else. Nothing is attached to the proofs of claim either."

17          17.     On July 29, 2021, Aldridge Pite sent a **fourth follow up** letter to Debtor's counsel  
18 outlining the history of document production for each loan. Further, Aldridge Pite informed the  
19 Debtor the monthly statements and payment histories were previously produced to the Debtor  
20 (either through the discovery in 2020, the settlement conferences in 2020/2021, or originally sent  
21 to the Debtor through regular servicing). Accordingly, Aldridge Pite asserted the documents were  
22 already in the Debtor's possession or equally available to the Debtor. In addition, Aldridge Pite  
23 informed Debtor's counsel if Debtor is seeking documents from a prior servicer, Debtor may  
24 serve discovery on said third parties.

25          18.     On August 6, 2021, Aldridge Pite sent a **fifth follow up** letter to the Debtor's  
26 counsel seeking to resolve the Subpoena. Specifically, Aldridge Pite requested the status of: (1)  
27 the filing of the notice of withdrawal of the Subpoena; (2) Debtor's review of the documents  
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provided and summary of produced discovery; and (3) which discoverable documents (exactly) Debtor alleged Shellpoint failed to produce (for each loan).

19. On August 11, 2021, the Court held a **second hearing** on the Motion for Protective Order. At the hearing, Debtor requested another continuance to review the documents produced by Shellpoint.

20. On August 13, 2021, Aldridge Pite reproduced many of the documents pursuant to the Debtor's request.

21. On August 18, 2021, Aldridge Pite sent a **sixth follow up** letter to the Debtor's counsel seeking to resolve the Subpoena. With the recent production and prior production, Shellpoint asserted it produced the requested documents in its possession (either through the 8/13/21 reproduction, discovery in 2020, the settlement conferences in 2020/2021, or originally sent to the Debtor through regular servicing). Upon Debtor's review of the documents provided thus far and summary of produced discovery, Aldridge Pite requested clarification regarding which discoverable documents (exactly) Debtor is still seeking for each loan.

22. On September 1, 2021, Aldridge Pite sent a **seventh follow up** letter to the Debtor's counsel seeking to resolve the Subpoena.

23. On September 15, 2021, the Court held a **third hearing** on the Motion for Protective Order. At the hearing, Debtor requested another continuance to review the documents produced by Shellpoint.

24. On September 22, 2021, Aldridge Pite received a response from the Debtor requesting clarification regarding which law firm Shellpoint retained for each loan.

25. On September 22, 2021, Aldridge Pite sent an **eighth follow up** letter to the Debtor's counsel seeking to resolve the Subpoena and outlining Shellpoint's retention of each law firm. Specifically, Aldridge Pite again provided the Debtor with a catalog of the production for each Loan. With the recent production and prior production, Shellpoint asserted it produced the requested documents in its possession (either through the 8/13/21 production, discovery in 2020, the settlement conferences in 2020/2021, or originally sent to the Debtor through regular servicing). Debtor may contact the prior servicers for their records.

26. On October 4, 2021, Aldridge Pite filed a Status Report outlining attempts to meet and confer with Debtor's counsel to resolve the Motion and ascertain which documents Debtor alleged Shellpoint failed to produce.

27. On October 6, 2021, the Court held a **fourth hearing** on the Motion for Protective Order. At the hearing, the Court instructed counsel to file supplemental declarations in support of the Status Report.

28. On October 21, 2021, Aldridge Pite served the Debtor with monthly statements received from *prior servicers* on the Subject Loans.

29. On October 22, 2021, Aldridge Pite sent a **ninth follow up** letter to the Debtor's counsel seeking to resolve the Subpoena.

30. Pursuant to Aldridge Pite's records and information from co-counsel, ZBS Law, Below is a summary of the produced documents as provided to the Debtor's counsel:

Address	Servicing Start Date	Discovery Produced
2614 Sweet Leilani	February 1, 2020	<ul style="list-style-type: none"> <li>- Statements, Pay Histories, produced 5/29/2020</li> <li>- Updated Pay history produced prior to Settlement Conference on 2/18/2021</li> <li>- Updated payoff/reinstatement produced 3/4/2021</li> <li>- Loan is de-escrowed.</li> <li>- Claim with 410(A) history</li> <li>- More documents produced on 8/13/21 (attached)</li> <li>- Prior Servicer Statements produced 10/21/2021</li> </ul>
3383 Cloverdale Court	February 1, 2020	<ul style="list-style-type: none"> <li>- Statements, Pay Histories, produced 5/29/2020</li> </ul>

1		- Updated Pay history
2		produced prior to Settlement
3		Conference on 2/18/2021
4		- Updated
5		payoff/reinstatement
6		produced 3/4/2021
7		- Loan is de-escrowed
8		- Claim with 410(A) history
9		- More documents produced
10		on 8/13/21
11		- Prior Servicer Statements
12		produced 10/21/2021
13	February 1, 2020	- Statements, Pay Histories,
14		produced 5/29/2020
15		- Updated Pay history
16		produced prior to Settlement
17		Conference on 2/18/2021
18		- Updated
19		payoff/reinstatement
20		produced 3/4/2021
21		- Loan is de-escrowed
22		- Claim with 410(A) history
23		- More documents produced
24		on 8/13/21
25	1701 Empire Mine Drive	- Prior Servicer Statements
26		produced 10/21/2021
27	Service transfer from BANA	- Debtor has all
28	to Shellpoint on August 17,	statements/docs as she filed
	1392 Echo Falls Avenue	as exhibits in support of her
	2015	

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		<p>pending Motion for Contempt in First Case</p> <ul style="list-style-type: none"> <li>- Updated Pay history produced prior to Settlement Conference on 2/18/2021</li> <li>- Updated payoff/reinstatement produced 3/4/2021</li> <li>- Loan is de-escrowed</li> <li>- Claim with 410(A) history</li> <li>- More documents produced on 8/13/21</li> <li>- Prior Servicer Statements produced 10/21/2021</li> <li>- Entire loan file reproduced on 10/22/21 in response to Request for Production of Documents related to Motion to Contempt filed in First Case</li> </ul>
1013 Golden Hawk Way	Service transfer from Ditech to Shellpoint on June 16, 2017	<ul style="list-style-type: none"> <li>- Entire loan file was made available in June 2019 to debtor's counsel, Karen Kellett, pursuant to Subpoena for Rule 2004 Examination.</li> <li>- All requested documents were also provided on May 27, 2020, in response to written discovery requests.</li> </ul>



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		<ul style="list-style-type: none"> <li>- Updated Pay history produced prior to Settlement Conference on 2/18/2021</li> <li>- Updated payoff/reinstatement produced 3/4/2021</li> <li>- Loan is de-escrowed</li> <li>- Claim with 410(A) history</li> <li>- Prior Servicer Statements produced 10/21/2021</li> </ul>
5709 Ridgetree Avenue	Service transfer from BANA to Shellpoint on June 15, 2014	<ul style="list-style-type: none"> <li>- Entire loan file was made available in June 2019 to debtor's counsel, Karen Kellett, pursuant to Subpoena for Rule 2004 Examination.</li> <li>- All requested documents were also provided on May 27, 2020, in response to written discovery requests.</li> <li>- Updated Pay history produced prior to Settlement Conference on 2/18/2021</li> <li>- Updated payoff/reinstatement produced 3/4/2021</li> <li>- Loan is de-escrowed</li> <li>- Claim with 410(A) history</li> <li>- More documents produced on 8/13/21</li> </ul>

3729 Discovery Creek

- Updated Pay history produced prior to Settlement Conference on 3/2/2021
- Claim with 410(A) history
- More documents produced on 8/13/21
- Prior Servicer Statements produced 10/21/2021

Service transfer from BANA to Shellpoint on August 17, 2015

- Entire loan file was made available in June 2019 to debtor's counsel, Karen Kellett, pursuant to Subpoena for Rule 2004 Examination.
- All requested documents were also provided on May 27, 2020, in response to written discovery requests.
- Updated Pay history produced prior to Settlement Conference on 2/18/2021
- Updated payoff/reinstatement produced 3/4/2021
- Claim with 410(A) history
- More documents produced on 8/13/21
- Prior Servicer Statements produced 10/21/2021

956 Ostrich Fern Court

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2 31. Upon Debtor's review of the documents provided, Aldridge Pite requested an  
3 updated list of the discoverable documents Debtor is still seeking from Shellpoint. To date, the  
4 Debtor has yet to provide a substantive response.

5 32. Aldridge Pite has incurred attorneys' fees and costs in responding to the discovery  
6 dispute.

7 I declare under penalty of perjury under the law of the United States of America that the  
8 foregoing is true and correct and that this declaration was executed at San Diego, CA on October  
9 26, 2021.

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13 **ALDRIDGE PITE, LLP**

14 /s/ Greg Campbell  
15 GREG CAMPBELL  
16 Attorneys for Shellpoint Mortgage Servicing  
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EDDIE R. JIMENEZ (SBN 10376)  
ejimenez@aldridgepite.com  
**ALDRIDGE PITE, LLP**  
7220 South Cimarron Road, Suite 140  
Las Vegas, NV 89113  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385

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P.O. Box 17933  
San Diego, California 92177-0933

Attorneys for Shellpoint Mortgage Servicing

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

SCHULTE PROPERTIES LLC,

Debtor.

Bankruptcy Case No. 18-12734-mkn  
Chapter 11

**CERTIFICATE OF SERVICE**

I, Lauren Timby declare that:

I am employed by Aldridge Pite, LLP. My business address is: 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933. I am over the age of eighteen years and not a party to this cause.

On October 27, 2021, I caused the **Supplemental Declaration of Greg Campbell in Support of Shellpoint Mortgage Servicing's Motion For Protective Order Or, In The Alternative, Motion For Modification Of Subpoena [Dkt No. 862]** to be served on the parties listed herein via electronic means through the Court's CM/ECF system or by placing a copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail, addressed as follows:

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1 /././

2 Schulte Properties LLC  
3 9811 W. Charleston Blvd Ste 2-351  
4 Las Vegas, NV 89117

Matthew L. Johnson  
Johnson & Gubler, P.C.  
8831 West Sahara Avenue  
Las Vegas, NV 89117  
annabelle@mjohnsonlaw.com

5 U.S. Trustee  
6 Department of Justice  
7 300 Las Vegas Boulevard, SO.  
8 Suite 4300 Las Vegas, NV 89101  
9 USTPRegion17.LV.ECF@usdoj.gov

10 /s/ Lauren Timby

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